

### **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 15-37 and 39-44 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims as well as indicating that claims 19, 32, and 38 contain allowable subject matter.

#### **Amendment to the specification**

Paragraph 0010 of the specification has been amended to as to reflect the language of this paragraph as presented in the original PCT application PCT/EP2004/010970.

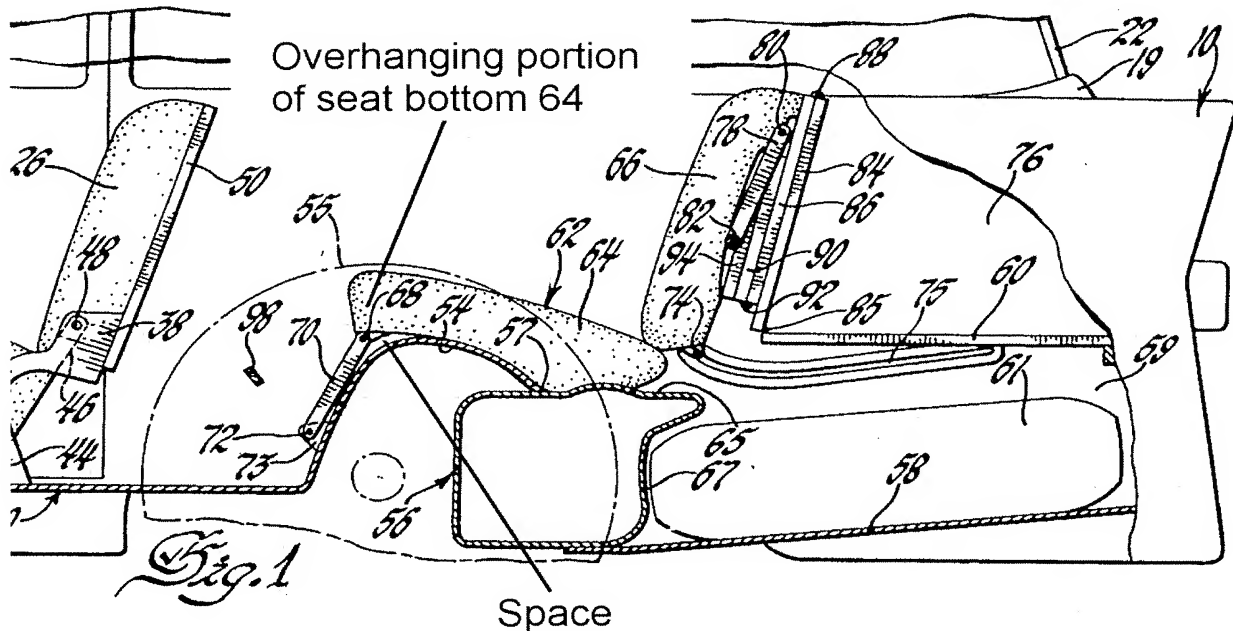
#### **Rejection based on Koplin and Burchi**

Claims 15-18 and 20-24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 2,956,837 (“Koplin”) and U.S. Patent No. 5,542,747 (“Burchi”). For at least the following reasons, this rejection is traversed.

Claim 15 (as amended) recites, among other things, a vehicle seat having an upholstery part made of a hard foam part and a soft foam pad, wherein the upholstery part is designed as a seat part, wherein the hard foam part defines a first surface having a first portion shaped to be congruent to a contour of an upper surface of a vehicle floor, wherein the seat part is configured to be switchable between a use position with the first portion of the first surface of the hard foam part being configured to positively engage with the contour of the upper surface of the vehicle floor when in the use position, and a not-in-use position; and a hinge mechanism configured to release the first portion of the seat part from the vehicle floor and shift the seat part into the not-in-use position. The hinge mechanism is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash.

Koplin and Burchi do not teach or suggest the combination of features of claim 15. For example, Koplin and Burchi do not teach or suggest a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash. Such a design makes it possible to dispense with a solid hinge mechanism. *See* paragraph 0010 of the specification. Fig. 1 of Koplin shows the use

position of Koplin's assembly. In this position, Koplin's assembly of elements 68, 70, 72, and 73 (which the PTO considers to be the hinge mechanism of claim 15) would transfer the vehicle occupant's weight into the vehicle floor during a crash. The reason is that Koplin's assembly of elements 68, 70, 72, and 73 partially supports the seat bottom 64 as evidenced by the overhanging portion of the seat bottom 64 being connected to the assembly of elements 68, 70, 72, and 73 (thus creating a space bounded by the seat bottom 74 and the assembly of elements 68, 70, 72, and 73). *See the below figure.* Accordingly, Koplin does not teach or suggest a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash.



Burchi does not cure this deficiency. Because Koplin and Burchi do not teach or suggest a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash, claim 15 is allowable over Koplin and Burchi.

Claims 16-18 and 20-24 depend from and contain all the features of claim 15, and are allowable for the same reasons as claim 15, without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

**Rejection based on Koplin, Burchi, and Bolsworth**

Claims 25-28 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Koplin, Burchi, and U.S. Patent No. 5,588,707 (“Bolsworth”). Claims 25-28 depend from claim 15. As previously mentioned, Koplin and Burchi do not teach or suggest a hinge mechanism connected to the seat part such which the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash, as recited in claim 15. Bolsworth does not cure this deficiency because its hinges that support the front legs 22 would transfer weight of a vehicle occupant into the vehicle floor during a crash. Thus, claim 15 and its dependent claims 25-28 are allowable over Koplin, Burchi, and Bolsworth. For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

**Rejection based on Koplin and Bolsworth**

Claims 29-40 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Koplin and Bolsworth. For at least the following reasons, this rejection is traversed.

Independent claim 29 (as amended) recites, among other things, a vehicle seat comprising: a backrest; a seat part configured to be selectively coupled to the vehicle floor and configured to abut an end of the backrest in a use position, wherein the backrest is configured to recline with respect to the seat part in a rearward direction, away from the seat part, and wherein the backrest is further configured to rotate in a frontward direction, toward the seat part; a transmission link coupled to the seat part and backrest; and a hinge mechanism coupled to the seat part and the transmission link, and configured to enable the seat part to at least partially pivot about the hinge mechanism. The hinge mechanism is coupled to a pinion gear engageable with the transmission link in a manner to pivot the seat back in response to the seat part pivoting about the hinge mechanism. The seat part comprises a first recess and a second recess that are each configured to selectively receive a protrusion from the vehicle floor. The hinge mechanism is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash.

Koplin and Bolsworth do not teach or suggest the combination of features of claim 29. For example and as previously mentioned, Koplin and Bolsworth do not disclose a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash. Because Koplin and Bolsworth do

not teach or suggest a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash, claim 29 is allowable over Koplin and Bolsworth.

Independent claim 35 (as amended) recites, among other things, a vehicle comprising: an interior at least partially defined by a vehicle floor, wherein the vehicle floor includes a protrusion; and a seat assembly, selectively coupled to the vehicle floor. The seat assembly comprises: a backrest; a seat part configured to pivot with respect to the backrest at one end between a use position and a not-in-use position, wherein the backrest is further configured to rotate in a frontward direction, toward the seat part, into a not-in-use position; a transmission link coupled to the seat part and backrest; and a hinge mechanism coupled to the seat part and transmission link, and configured to enable the seat part to at least partially pivot about the hinge mechanism. The hinge mechanism is coupled to a pinion gear engageable with the transmission link in a manner to pivot the seat back in response to the seat part pivoting about the hinge mechanism. The seat part defines a first recess and a second recess into which the protrusion of the vehicle floor is configured to be selectively inserted. The hinge mechanism is connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash.

Koplin and Bolsworth do not teach or suggest the combination of features of claim 35. For example and as previously mentioned, neither reference discloses a hinge mechanism connected to the seat part such that the hinge mechanism does not transfer weight of a vehicle occupant into the vehicle floor during a crash. Thus, claim 35 is allowable over Koplin and Bolsworth.

Claims 30-34, 36-37, and 39-40 depend from and contain all the features of claim 29 or 35, and are allowable for the same reasons as claim 29 or 35, without regard to the further patentable features contained therein.

Claim 38 has been canceled, which renders the rejection of this claim moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

**Allowability of claims 41-44**

Claim 41 recites “wherein the first surface has a second portion, the second portion being configured to positively engage with the contour of the upper surface of the vehicle floor when in the not-in-use position.” Koplin, Burchi, and Bolsworth fail teach or suggest this combination of features. The seat bottom 64 of Koplin does not and is not configured to positively engage with a contour of the upper surface of the body floor pan 20 in both the use and not-in-use positions. Fig. 2 of Koplin shows the not-in-use position of Koplin’s assembly in which the seat bottom 64 is flipped over and not in positive engagement with the floor pan 20. Burchi does not cure this deficiency because it does not relate to the configuration of the seat part being engaged with a vehicle floor. Bolsworth does not cure this deficiency because the seat cushion 16 of Bolsworth does not and is not configured to positively engage with a contour of the upper surface of the vehicle floor 12 in either the use position or the not-in-use position. Thus, claim 41 is allowable over Koplin, Burchi, and Bolsworth.

Claim 42 recites “wherein the hinge mechanism is connected to the seat part such that the hinge mechanism only has to absorb the weight of the seat part while the seat part transitions from the use position to the not-in-use position.” Koplin, Burchi, and Bolsworth do not teach or suggest this combination of features. Koplin and Bolsworth disclose hinge mechanisms that absorb weight in the use position and not-in-use use position and Burchi does not disclose a hinge mechanism. Thus, claim 42 is allowable over Koplin, Burchi, and Bolsworth.

Claim 43 recites “wherein the first recess is configured to receive the protrusion from the vehicle floor in the use position of the seat part and the second recess is configured to receive the protrusion from the vehicle floor in a not-in-use position.” Koplin, Burchi, and Bolsworth do not teach or suggest this combination of features. Fig. 2 of Koplin shows the not-in-use position of Koplin’s assembly in which the seat bottom 64 is flipped over and not in positive engagement with the floor pan 20. Burchi and Bolsworth do not cure this deficiency because they do not disclose first and second recesses. Thus, claim 43 is allowable over Koplin, Burchi, and Bolsworth.

Claim 44 recites “wherein the protrusion of the vehicle floor is configured to be inserted into the first recess in the use position of the seat part and into the second recess in the not-in-use position of the seat part.” Koplin, Burchi, and Bolsworth do not teach or

suggest this combination of features. Fig. 2 of Koplin shows the not-in-use position of Koplin's assembly in which the seat bottom 64 is flipped over and not in positive engagement with the floor pan 20. Burchi and Bolsworth do not cure this deficiency because they do not disclose first and second recesses. Thus, claim 44 is allowable over Koplin, Burchi, and Bolsworth.

**Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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